****** DRAFT ****** *October 27, 2000*

Permit No.

National Pollutant Discharge Elimination System
General Permit for Discharges from Small Municipal Separate Storm Sewer Systems

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In accordance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq. the Act), except as provided in Part I.B.2 of this permit, operators of small municipal separate storm sewer systems, located in an area specified in Part I.A., are authorized to discharge in accordance with the conditions and requirements set forth herein.

Only those operators of storm water discharges from small municipal separate storm sewer systems in the general permit area who submit a Notice of Intent and a storm water management plan in accordance with Part II of this permit are authorized under this general permit.

This permit becomes effective on _____

This permit and the authorization to discharge expire at midnight,_____

Signed and issued this day of , 200_ .

(Signature of Water Management Director or Regional Administrator)

This signature is for the permit conditions in Parts I through VII and for any additional conditions in Part VIII which apply to facilities located in the corresponding State, Reservation, or other area.

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Part I. Coverage Under This Permit

A. Permit Area

This permit covers all areas of _____.

B. Eligibility

1. This permit authorizes discharges of storm water from small municipal separate storm sewer systems as defined in 40 CFR 122.26(b)(16).

2. This permit authorizes the following non-storm water discharges provided they do not contribute to a violation of water quality standards:

- water line flushing,
- landscape irrigation,
- diverted stream flows,
- rising ground waters,
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- uncontaminated pumped ground water,
- discharges from potable water sources,
- foundation drains,
- air conditioning condensate,
- irrigation water,
- springs,
- water from crawl space pumps,
- footing drains,
- lawn watering runoff,
- water from individual residential car washing,
- flows from riparian habitats and wetlands,
- dechlorinated swimming pool discharges,
- residual street wash water, and
- discharges or flows from fire fighting activities.

C. Limitations on Coverage

The following discharges are not authorized by this permit:

1. Storm water discharges that are mixed with non-storm water or storm water associated with industrial activity except unless such discharges are:

a. in compliance with a separate NPDES permit, or

b. identified by and in compliance with part II.B.2 of this permit.

2. Storm water discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat.

3. Storm water discharges or implementation of your storm water management program, which adversely effect properties listed or eligible for listing in the National Register of Historic Places, unless you are in compliance with requirements of the National Historic Preservation Act and have coordinated any necessary activities to avoid or minimize impacts with the appropriate State Historic Preservation Officer.

4. Storm water discharges to territorial seas, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR 125 subpart M.

D. Obtaining Authorization

In order for storm water discharges from small municipal separate storm sewer systems to be authorized to discharge under this general permit, a discharger must:

1. Submit a Notice of Intent (NOI) and a storm water management plan in accordance with the requirements of Part II, using an NOI form provided by the Director (or a photocopy thereof).

2. Where the operator changes, or where a new operator is added after the submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II.

3. Unless notified by the Director to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from small municipal separate storm sewer systems under the terms and conditions of this permit two (2) days after the date that the NOI is postmarked. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (see Part VI.L of this permit).

Part II. Notice of Intent Requirements

A. Deadlines for Notification

1. If you are an operator of a regulated small municipal separate storm sewer system designated under § 122.32(a)(1), you must apply for coverage under an NPDES permit, or apply for a modification of an existing NPDES permit by 3/10/03.

2. If you are an operator of a regulated small municipal separate storm sewer system designated under § 122.32(a)(2), you must apply for coverage under an NPDES permit, or apply for a modification of an existing NPDES permit within 60 days of notice.

B. Contents of Notice of Intent

The Notice(s) of Intent shall be signed in accordance with Part VI.G of this permit and shall include the following information:

1. The street address, county, and the latitude and longitude of the facility for which the notification is submitted;

2. The name, address, and telephone number of the operator(s) filing the NOI for permit coverage;

3. The name of the receiving water(s);

4. As an attachment to the NOI, a storm water management plan, including best management practices (BMPs) to be implemented and the measurable goals for each of the storm water minimum control measures in paragraph IV(B) of this permit, the month and year in which you will start and fully implement each of the minimum control measures or indicate the frequency of the action, and the person or persons responsible for implementing or coordinating your storm water management program.

C. Where to Submit

NOIs, signed in accordance with Part VI.G of this permit, are to be submitted to the Director at the address: Storm Water Notice of Intent (4203), U.S. EPA 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Part III. Special Conditions

A. Discharge Compliance With Water Quality Standards

Your discharges must not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Director will notify you of such violation(s). You must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the storm water pollution prevention plan. If violations remain or re-occur, then coverage under this permit may be terminated by the Director, and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation.

B. Total Maximum Daily Load (TMDL) Allocations

If a TMDL is approved for any waterbody into which you discharge, you must review your storm water management program if the TMDL includes requirements for control of storm water discharges. If you are not meeting the TMDL allocations, you must modify your storm water management program to implement the TMDL within four months of the TMDL's approval.

Part IV. Storm Water Management Programs

A. Requirements

You must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from your small municipal separate storm sewer system to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Your storm water management program must include the minimum control measures described in section (B) of this Part. Examples of successful programs and suggested measurable goals are also provided in section (B). You must develop and implement your program by _____.

B. Minimum Control Measures

The 6 minimum control measures to be included in your storm water management program are:

1. Public education and outreach on storm water impacts.

a. You must:

(1) implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

b. EPA recommends:

(1) use storm water educational materials provided by your State, Tribe, EPA, environmental, public interest or trade organizations, or other MS4s;

(2) inform individuals and households about the steps they can take to reduce storm water pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes;

(3) inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups;

(4) tailor your program, using a mix of locally appropriate strategies, to target specific audiences and communities. You should target some of the materials or outreach programs to be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example,

providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges;

(5) tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

c. You must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

EXAMPLES

Storm Drain Stenciling Program

The City of Monterey CA put together a storm drain stenciling kit that could be used by volunteers stenciling storm drains. The kit included stencils, traffic cones, trash bags, paint and paint rollers, buckets, latex gloves, orange vests, and wet paint signs. Instructions on stenciling were also provided. Volunteers were asked to mark the storm drains they had stenciled on city maps, as well as provide any locations of storm drains that were not on city maps. For further information contact Jennifer Hays, Public Works Engineering Division (408) 646-3920. Source: Model Urban Runoff Program, Appendix 3C.

Enviroscape Model

The cities of Monterey and Santa Cruz, CA used a 3-dimensional plastic model of a miniature city to offer a hands-on approach to demonstrate water pollution of watersheds caused by various urban runoff sources. Participants sprinkle cocoa and colored drink mixes to simulate oil, paint, herbicides and pesticides. Participants then spray water on to the site to simulate rainfall. The model was taken to schools and city events to educate and elicit support from the community. Model Available from Terrene Institute (202) 833-8317. Source: Model Urban Runoff Program, Appendix 3D.

City of Miami Beach, Florida MS4 Storm Water Permit - 9/30/93

As a public awareness and education program, the city shall:

- publicize and promote public awareness of the hazards of illicit dumping to the storm sewer system, through newspaper articles, pamphlets and bill inserts.

- establish and publicize a dedicated phone number to inform the public of the nearest locations for dumping used oil and hazardous household waste, and to report illegal dumping to the storm sewer system.

- initiate sewer stenciling program

- provide used oil collection sites and post these locations at the local oil retailers.

Baltimore County, MS MS4 Storm Water Permit - 3/30/95

Within 1 year, the permittee shall begin implementing its pilot educational program for the control of storm water pollutants. Components of the educational program shall include the development of informational materials and brochures; presentation packets for distribution to schools, businesses, and homeowners; and surveys for gauging program effectiveness. Topics covered shall include the identification and reporting of illicit connections, proper disposal of

household toxic waste, and volunteer opportunities for conducting stream surveys and cleanups. In year 2 the permittee shall perform an assessment of its educational programs and propose a schedule for expanding successful components to the entire county.

Portland, OR MS4 Storm Water Phase I Case Study

Portland has developed a program that regularly monitors storm water outfalls for pollution discharges, which has effectively halted illicit pollutant discharges, and is helping to prevent new pollutant discharges. In addition, with a 60 percent voter approval, Portland has established a $135.6 million bond measure to acquire up to 6,000 acres of land area to better manage sensitive watersheds and secure better protection of urban waterways. Portland's industrial permit inspection program has seen storm water violations decrease from 30 to 23 percent since their permit was issued in 1995, and compliance with storm water pollution control plans has more than doubled from 41 percent to 87 percent.

Minneapolis, MN MS4 Storm Water Phase I Case Study

Minneapolis has demonstrated that outreach efforts can be correlated to reductions in pollutants; pesticide concentrations in storm water can be reduced through public outreach efforts. Pollutant concentrations of pesticides monitored in a Minneapolis lake dropped between 59 and 86 percent depending on the pesticide evaluated due to the outreach effort. Minneapolis's outreach effort is similar to that of many Phase I cities (e.g., San Francisco) that recognize the benefit of education and reeducation of the public about their role in protecting storm water quality. Frequently, the effectiveness of public outreach is measured in terms of changes in public awareness and behavior, but the Minneapolis case study demonstrates water quality improvement does occur as a result of public outreach efforts, a common feature in the storm water programs operated by Phase I permittees.

Sacramento, CA MS4 Phase I Storm Water Case Study

Outreach/education efforts of Phase I jurisdictions also focus on businesses that produce high volumes of liquid wastes with the potential to pollute storm water (e.g., automotive cleaning operations/car lots, carpet cleaners). In Sacramento, CA, a Phase I MS4 permittee, an innovative program has been introduced to reduce wash water discharges from carpet cleaning businesses. Through a "Clean Business" certification program, businesses get credit for correct disposal of wash water, home-owners have a chance of winning prizes through a lottery, and wash water is treated fully at the wastewater treatment plant. While thousands of gallons of wash water are now successfully treated, monitoring to measure the change in local water quality resulting from the business outreach effort have not been funded.

2. Public Involvement/Participation.

a. You must:

(1) at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/participation program.

b. EPA recommends:

(1) include the public in developing, implementing, and reviewing your storm water management program and should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

c. You must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

EXAMPLES

Public presentations
Conducting public presentations with city councils and municipal staff is a valuable way to approach the development of storm water management programs. To accomplish this aim, it is useful to have a 'stock presentation,' which describes current problems, including drainage deficiencies and water quality contaminants of concern. In addition, potential funding issues, possible solutions, and the NPDES regulatory background should be addressed in the presentation. In short, the objective of the presentation is to inform the community of the need for a storm water management program. This presentation can then used for neighborhood groups, businesses, commercial property owners and local service clubs. For a sample municipal Storm Water Management Program Presentation Outline, see Model Urban Runoff Program, Appendix 3A.

Community Clean Up
The City of Tulsa, Oklahoma, created a floatables-reduction program that utilized education and community participation. 'Operation Cleansweep' brought citizens together to clean up designated basins, pick up roadside trash, and remove obstructions from channels. For further information contact Scott Van Loo, Environmental Compliance Specialist, Public Works Department, Tulsa, OK, (918) 591-4379. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

County of Riverside, Santa Ana CA MS4 Storm Water Permit - 3/8/96
The regional board recognizes the significance of Riverside County's Storm Water/ Cleanwater Protection program and will conduct, participate, and/or assist with at least one workshop every year during the term of this permit to promote and discuss the progress of the storm water management program. The details of the annual workshop will be published in local newspapers and mailed to interested parties.

City of Milwaukee, WI Storm Water Permit - 10/21/94
A program to promote the management of stream banks and shorelines by riparian land owners to minimize erosion and restore or enhance the ecological values of the waterway.

City of Monterey, CA MS4 Storm Water Phase II Community Case Study
In the city of Monterey, CA, a Phase II community, grass-roots efforts have assisted in identifying and implementing the necessary storm water management controls to protect the Monterey Bay National Marine Sanctuary in California, one of the most diverse marine environments in the United States. In particular, volunteers contribute, on average, an estimated 1,500 annual hours to monitor for unacceptable dry weather discharges for MS4s. The efforts of the volunteers have significantly reduced the amount of pollutants entering the estuary.

Sacramento, CA MS4 Storm Water Case Study
In Sacramento, CA an innovative program has been introduced to reduce wash water discharges from carpet cleaning businesses. Through a "Clean Business" certification program, businesses get credit for correct disposal of wash water, home-owners have a chance of winning prizes through a lottery, and wash water is treated fully at the wastewater treatment plant. While thousands of gallons of wash water are now successfully treated, monitoring to measure the change in local water quality resulting from the business outreach effort have not been funded.

3. Illicit discharge detection and elimination.

a.You must:

(1) develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at § 122.26(b)(2)) into your small MS4;

(2) develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;

(3) to the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;

(4) develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;

(5) inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and

(6) address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from

crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

b. EPA recommends:

(1) ensure that the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment.

(2) conduct visual screening of the outfalls during dry weather and conduct field tests of selected pollutants as part of the procedures for locating priority areas.

c. You must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

EXAMPLES

Identifying and Detecting Illicit Discharges with Volunteers
In 1998, the Alabama Water Watch Association and the Birmingham Storm water Management Authority forged a partnership to train volunteers to help identify and detect illicit discharges by monitoring the city's 158 critical screening sites and outfalls. For further information contact Allison Newell, Alabama Water Watch Association, (888) 844-4785. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Illicit Connections and Fluorescent Dye
Washtenaw County, MI, initiated a program whose focus was eliminating illicit connections and discharges to the storm drain system. Crews visited industrial, commercial, and residential properties and asked permission to flush fluorescent dye through toilets or drains, then monitored nearby sanitary drain lines and storm drain lines to see where the dye had gone. Over 95 percent of the facilities contacted for dye testing cooperated. If inspectors found an illicit connection to the storm drains, the owner of the manager of the building was notified and informed of potential remedies. Recommended remedies were often very simple, such as sealing an unused floor drain. If after three letters the problem was not fixed, the program refers the site to the relevant municipality for possible enforcement action under the municipality's building code. For further information contact Janice Bobrin, Drain Commissioner, Washtenaw County, MI, (734) 994-2525. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Reporting Illicit Discharges

The Alameda Countywide Clean Water Program developed forms for use by inspectors during inspections of dry-weather flows. This information could then be incorporated into an Illicit Discharge Inspection Quarterly Summary Report. The number of cases of illicit discharges detected, eliminated, or status taken towards elimination are documented on the form. For further information contact Robert Hale, Alameda County Countywide Clean Water Program, Alameda County Public Works, (510) 670-5543. Source: Model Urban Runoff Program, Appendix 3I.

Collection/Recycling

The City of Tulsa, Oklahoma, organized free dump days at the landfill and the collection/recycling of used motor vehicle fluids and household hazardous wastes. The efforts were coordinated with the Metropolitan Environmental Trust, an organization that operates recycling depots around the city. To increase participation, the city sponsored two collection days each year. Participants also received education material on the importance of recycling and using environmentally friendly alternatives to hazardous household chemicals. At the same time, other community programs focused on this issue included an environmental summit for middle and high school students and a program that involves area business through clean ups, recycling, and donations. For further information contact Scott Van Loo, Environmental Compliance Specialist, Public Works Department, Tulsa, OK, (918) 591-4379. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

City of Philadelphia, PA MS4 Storm Water Permit - 9/29/95

Illicit discharge prevention: During construction/reconstruction of sewers, the city will color code the sanitary 5" and storm 6" laterals to assist plumbing contractors with making proper connections. City inspectors shall verify that proper connections to sanitary and storm sewers have been made. The city shall require a certification of proper connections by the contractor, with a copy of the certification given to the homeowner.

Baltimore County, MD MS4 Storm Water Permit - 3/30/95

Within 6 months, the permittee shall begin implementing its illicit detection program as a pilot study and screen a minimum of 50 outfalls within the year. Within the next year, the permittee shall complete its Manual of Practice for Detection and Removal of Illicit Connections which shall include a detailed description of procedures for the investigation of illicit connections and enforcement. Additionally, the illicit detection program shall be expanded to screen at least 200 outfalls per year.

Charles River, MA Watershed Case Study (Boston, MA MS4 Phase I Storm Water Program)

The successes in the Charles River watershed in Massachusetts demonstrates how storm sewer inspections/dry-weather monitoring has resulted in a quantifiable reduction in pollutant discharge through the storm sewer system. Boston, MA, a Phase I permittee, is a major participant in a multi-jurisdictional effort to improve water quality in the Charles River. As required by its Phase I MS4 storm water permit, Boston is inspecting its storm sewer system for cross-connections (i.e. points were sanitary sewers incorrectly discharge into storm water sewers). As a result, Boston has identified a number of cross-connections, the largest of which

discharged raw sewage into the storm drain system at an average rate of 70,000 gallons per day. At this flow rate, this sewer pipe annually discharged 650,000 pounds of biochemical oxygen demand (BOD) and significant numbers of bacteria into waterways where swimming and boating opportunities have been limited by bacteria. Because of Boston's efforts and the efforts of other upstream municipalities, dry-weather water quality has improved, as has the opportunity for secondary-contact recreation.

Dover, NH MS4 (potential Phase II) Storm Water Case Study
Dover, NH, a potential Phase II MS4 jurisdiction, has demonstrated how an aggressive illicit connection identification and elimination program can restore water quality degradation caused by sanitary sewer cross-connections to the storm sewer system. Once a single storm sewer pipe with cross-connections to the MS4 were removed and repaired, the water quality of discharges from that storm sewer improved by over 99 percent based on measured enterococci bacteria. (National SW Awards materials)

4. Construction site storm water runoff control.

a. You must:

(1) develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

Your program must include the development and implementation of, at a minimum:

(a) an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;

(b) requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(c) requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

(d) procedures for site plan review which incorporate consideration of potential water quality impacts;

(e) procedures for receipt and consideration of information submitted by the public; and

(f) procedures for site inspection and enforcement of control measures.

b. EPA recommends:

(1) include sanctions to ensure compliance - examples include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance;

(2) include procedures for site plan review including the review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements;

(3) include procedures for site inspections and enforcement of control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and

(4) provide educational and training measures for construction site operators, including requiring a storm water pollution prevention plan for construction sites within your jurisdiction that discharge into your system.

c. You must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

EXAMPLES

Guidance Brochures

The cities of Fairfield and Suisun City (CA) developed a guidance brochure, which was targeted to the development/construction community. It details storm water controls for small construction sites (less than 5 acres). The material also provides information about why storm water controls are needed and how construction activities affect storm water quality. Furthermore, the brochure includes information about plan requirements: general site information; site topography with map; sediment control practices; housekeeping practices; and materials management practices. For further information contact Fairfield-Suisun Urban Runoff Management Program (707) 429-8930.Source: Model Urban Runoff Program, Appendix 3O.

Educating Contractors

The city of Chattanooga, Tennessee, developed an erosion control education program. Although on-site training sessions were initially conducted for contractors, the city found the most success with the development of the Erosion Control School. Both private sector and city government personnel involved in land development may sign up for the Erosion Control School, which is co-sponsored by the city and the Chattanooga Home Builders' Association. In a free four-hour session, the attendees learn the city's erosion control requirements, as well as cost-effective ways to meet those requirements. Tests before and after the course measure learning and those who pass the second test receive a certification card. For further information contact Douglas Fritz, Water Quality Supervisor, Tennessee Department of Public Works, (423) 757-0013. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Enforcement

Active enforcement of local requirements is a cornerstone of the construction runoff program for the Garland, Texas. Inspectors visit each construction site at least monthly, with some higher-priority sites receiving more frequent visits. The program uses stop-work orders (rather than citations) to get developers to correct violations such as faulty, or nonexistent, structural or source controls. Site operators were found to make corrections within 24 hours. In addition, EPA Region 6 in Dallas has assisted Garland and other cities in the region with enforcement activities of more severe violations. For further information contact Philip Welsch, Storm Water Coordinator, City of Garland, TX, (972) 205-2189. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Bal Harbour Village, FL MS4 Storm Water Permit - 9/30/93

The permittee will amend its land development regulations to require that applicants submit specific plans for local erosion and sediment control for the development of the site. Such plans will be a combination of notes (statements) and specifically noted locations on the plan sheets. These plans will be reveiwed and subject to approval simultaneously with other plan materials required by the permittee.

City of Miami Beach, FL MS4 Storm Water Permit - 9/30/93

A procedure for educating contractors and developers is being reviewed, where the contractor will go through a checklist and sign for the items that will be adopted to minimize site runoff. This list when approved at the processing stage shall become part of the issued building permit and thus be subject to regular building inspections. Building sites over 50,000 square feet shall be required to submit a site plan in addition to the above showing control measures during the various phases of construction. Some of the measures included in the checklist shall be:

- Availability of on site detention control for holding concrete truck and miscellaneous washing runoffs.

- Perimeter barrier fence with reverse slope access way to contain storm runoff

- Use of containers to confine solid waste and construction debris.

Nashville, TN MS4 Storm Water Permit - 4/3/96

The permittee shall improve its construction site inspection and enforcement procedures by

carrying out the following:

i) to hire and train three additional construction inspectors (12 months)

ii) to update the inspector's checklist to meet the state's general permit (12 months).

iii)to establish an electronic database of construction sites to enable tracking of inspections, complaints, violations, and follow-up (12 months);

iv) to purchase 4 vehicles and associated equipment for inspectors

v) to conduct annual training workshop for construction inspectors.

vi) to modify existing ordinances to set up greater penalties (12 months),

vii) to gain greater priority in the environmental court for violations at construction sites (24 months).

5. Post-construction storm water management in new development and redevelopment.

a. You must:

(1) develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts;

(2) develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community; and

(3) use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and

(4) ensure adequate long-term operation and maintenance of BMPs.

b. EPA recommends:

(1) ensure that the BMPs chosen are appropriate for the local community; minimize water quality impacts; and attempt to maintain pre-development runoff conditions;

(2) in choosing appropriate BMPs, participate in locally-based watershed planning efforts which attempt to involve a divers group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, EPA recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures;

(3) in developing your program, consider assessing existing ordinances, policies,

programs and studies that address storm water runoff quality. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program;

(4) ensure the appropriate implementation of the structural BMPs by considering some or all of the following: re-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance; and

(5) ensure that your requirements be responsive to the constantly changing storm water technologies, developments or improvements in control technologies.

c. You must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

EXAMPLES

Soil Erosion and Storm Water Runoff Control Ordinance
In 1991, Grand Traverse County, Michigan, adopted an ordinance requiring on-site retention for all commercial developments and new subdivisions. The county developed the ordinance in cooperation with the community through open workshops, hearings, and a citizens' advisory committee. The ordinance requires soil erosion and storm water runoff control permits at sites greater than 1 acre or within 500 feet of a lake or stream. For further information contact, Maureen Kennedy Templeton, Drain Commissioner, Grand Traverse County, MI (616) 922-4731. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Development Planning
As part of the approval process for new development, the City of Pittsburg (CA) has standard conditions for all new businesses. In this manner, the city can direct development to protect water quality. Requirements for trash enclosures and drainage from paved surfaces are among the standard conditions listed. Standard conditions may not apply to each specific project; therefore, each project is reviewed individually with a Community Development staff person at the time of application. For further information contact Community Development Department, City of Pittsburg, (510) 439-4920. Source: Model Urban Runoff Program, Appendix 3U.

Storm Infiltration Project
The City of Maplewood, Minnesota, initiated a storm water infiltration project in 1995. The project utilizes a swale system rather than a traditional curb and gutter system to manage runoff. Residents choose how they want to plant the swales with native, water-loving species. High assessments on homes for curb and gutter improvements were avoided with this approach. For further information contact Ken Haider, City Engineer, Maplewood, MN, (612) 770-4550; Cliff Archenger, Ramsey Washington Watershed District, (617) 777-3665. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Urban Watershed Retrofit Program

In Austin, Texas, private developers can choose to make a payment to the city based on the amount of new impervious cover instead of installing on-site water-quality controls. The ordinance fee, along with monthly drainage utility fees, generates funds for retrofitting performed by the city. The city has used this process to produce a series of interconnected wet ponds for pollutant reduction from storm water. For further information contact Leila Gosselink, Project Administrator, City of Austin Watershed Protection Department, TX, 512-499-1863. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Nashville, TN MS4 Storm Water Permit - 4/3/96

The permittee shall require, in areas of new development and significant redevelopment, installation of urban storm water BMP's. In particular the permittee shall:

i) establish design criteria for wet and extended dry detention ponds and define the conditions when such ponds shall be installed; Due 1 year from permit date

ii) collect influent and effluent data on at least three of the newly installed ponds (24-48 months from permit date);

iii) report yearly on the performance of these ponds (3rd, 4th, and 5th annual reports)

iv) define "significant redevelopment" and establish criteria for installing water quality control systems in redevelopment.

Nashville, TN MS4 Storm Water Permit - 4/3/96

The permittee shall define its master planning effort (within 12 months) by investigating the following matters and setting forth a strategy to address each matter:

i) changes to laws, ordinances, rules, etc.

ii) educating and involving the city council and planning and zoning boards

iii) design criteria for new development, including restrictions on impervious area; use of pervious paving material; source treatment, flow attenuation and infiltration devices; locating local and regional detention basins; provisions for recharge of groundwater; and restrictions for development in steeply sloped areas.

iv) changes to administrative procedures; and

v) education of land developers

Prince George's County, MD Phase I MS4 Community (Permit and Case Study)

All new developments [in the County] are required to treat the first 1/2 inch of runoff from their site as well as the 2, 10, and 100 year storm events. Although the Storm water Ordinance allows for waivers of on-site controls, rarely, if ever, are water quality-related (first 1/2 inch) controls waived. Quantity controls are only waived when there is no possible threat of structural flooding. The typical structural water quality control devices used for all types of development include: infiltration trenches, retention and detention basins, oil/grit separators, vegetative filters, and buffers. (Prince George's County, MD, Storm Water Management Program requirements under their Phase I MS4 permit)

Prince George's County, MD, has evolved into a leader of information management/analysis as

a way to provide better storm water management. The county conducts ongoing, multi-year assessments of storm water runoff, which has lead to improved land development techniques, creating a new site design process to control storm water runoff, referred to as low impact development (LID). The principle goal of LID is to provide the maximum protection to the existing stream ecology by maintaining the watershed's pre-developed hydrologic regime (a decrease in runoff generation between 75- and 95-percent from current land development designs). LID allows the site planner/developer to use a wide array of simple, cost-effective techniques that focus on site-level hydrologic control. Several other Phase I municipalities are actively following the development of LID techniques (e.g., Portland, OR), to help shape their future storm water management efforts. Decreased pollutant concentrations in a water body are not the only measurable benefit that the LID approach addresses. Additional benefit to the environment ensues because of problems avoided. Changes in development techniques and patterns that decrease percent imperviousness and combined with BMPs that infiltrate storm water runoff from new developments mean local streams will retain their current natural condition. Where implemented appropriately, LID designs should be able to yield a pollutant load reduction simply because less runoff occurs. (from Case Study)

Austin, TX MS4 Storm Water Case Study(Assessment of Controls)

In Austin, TX, a Phase I MS4, a joint public/private enterprise between the state of Texas and a private developer is installing storm water detention ponds to minimize the impacts of a mixed-use development while providing aesthetic and economic benefits. The resulting pollutant load reduction for the detention ponds has been estimated based on local rainfall patterns, design parameters used in the pond, and removal efficiencies typical of detention ponds. Compared to an unmanaged condition, the ponds will reduce the sediment discharged annually from the site by several tons and reduce nutrients discharged between 44 and 65 percent.

6. Pollution prevention/good housekeeping for municipal operations.

a. You must:

(1) develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and

(2) using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

b. EPA recommends:

(1) at a minimum, consider the following in developing your program:

(a) maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from your separate storm sewers;

(b) controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations;

(c) procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and

(d) ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

and;

(2) include operation and maintenance as an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary.

c. You must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

EXAMPLES

Floatable Removal

The City of Cocoa Beach, Florida, developed an insert for catchbasins that makes floatable removal more effective and easy. Twice per month, storm water crews inspect and clean as necessary all 760 storm water drains in Cocoa Beach. Sediment-clogged storm lines are cleaned on a schedule using a truck with a jet hose and vacuum. For further information contact City of Cocoa Beach, Florida, Storm water Department, (407) 868-3292. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Smart Salting Program

The Vermont Agency of Transportation developed a Smart Salting Program, based on the following principle—" the warmer the roadbed, the less salt is needed to clear snow and ice." Normally, those applying salt to roads measure temperature using a standard outdoor thermometer held or suspended at chest or eye level. However, the temperature of the roadbed is often several degrees warmer than the air temperature, especially if the sun is shining. Application rates calculated from temperatures measured by wall-mounted thermometers can therefore exceed the amount actually necessary. The Vermont Agency of Transportation installed infrared sensors on the bottoms of snowplows, which measure the temperature of the roadway as trucks pass over, allowing more accurate calculations of the required salt needed. The program has been expanded statewide, where the average reduction in salt usage is 28%. For further information contact Milan Lawson, Special Assistant to the Secretary, Vermont Agency of Transportation, (802) 828-5696. Source: NRDC, Storm Water Strategies Community Responses to Runoff Pollution, May 1999.

Park Design to Reduce Pesticide and Fertilizer Use

The Howard County (MD) Parks and Recreation Department found that wildflower meadows were twenty times less expensive to maintain than conventional turf grass. This strategy also reduces the amount of pesticides and fertilizers applied to county grounds. They are currently incorporating the strategy into new parks as they are being developed. For further information contact Mark Rabb, Howard County Parks and Recreation Department, MD, (410) 313-4730.

Municipal Maintenance

The Alameda Clean Water Program provides an example of a pollution prevention plan for a fleet maintenance facility. The plan requires the following: a pollution prevention team, site map, list of significant materials, description of potential pollutants, and assessment of potential pollutant sources, and storm water BMPs. For further information contact Robert Hale, Alameda County Countywide Clean Water Program, Alameda County Public Works, (510) 670-5543. Source: Model Urban Runoff Program, Appendix 3L.

City of Philadelphia, PA MS4 Storm Water Permit - 9/29/95

The city will work to reduce the amount of salt used for deicing practices, consistent with its comprehensive snow emergency management procedures. The city will provide temporary cover and/or berms at the three uncovered storage piles during the first year of permit issuance. Permanent structures will be constructed within three years of permit issuance.

Denver, CO MS4 Storm Water Permit - 5/10/96

Denver will assess and minimize the impacts on water quality of receiving waters from any flood management projects that it undertakes . At the time when substantial maintenance or rehabilitation work is planned, Denver will also evaluate the feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water.

Baltimore County, MD MS4 Storm Water Permit - 3/30/95

Baltimore County shall conduct maintenance inspections of all storm water management facilities at least once every three years.

Prince Georges County, MD Storm Water Permit - 11/17/93
Within 3 years, the permittee shall perform an assessment regarding the effects of road maintenance activities including street sweeping, litter control, deicing procedures, and the application of herbicides for vegetation control on storm water discharges. This assessment shall include an analysis alternative practices for reducing pollutants associated with road maintenance activities. Within those three years, the permittee shall incorporate effective alternative practices in its road maintenance procedures for reducing pollutants.

Palo Alto, CA MS4 Phase I Storm Water Permit
In Palo Alto, CA, a Phase I MS4 permittee, pollution prevention planning and engineering resulted in a decrease in pollutant concentrations originating from public utility yards. Concentrations of metals in storm water runoff decrease significantly with BMP employment and regular monitoring has demonstrated that improvements in storm water quality have been sustained over several years.

C. Qualifying State, Tribal or Local Program

For small MS4 operators in _____, you may follow the qualifying local program _____ instead of the relevant requirements in IV.B.__.

D. Sharing Responsibility

If you are relying on another governmental entity regulated under § 122 of the storm water regulations to satisfy one or more of your permit obligations, you must note that fact in your NOI. This other entity must, in fact, implement the control measure(s); the measure of component thereof, must be at least as stringent as the corresponding NPDES permit requirement; and the other entity must agree to implement the control measure on your behalf.

E. Recognizing Responsibility for Another Entity

For small MS4s in _____, the county of _____ already covered by an NPDES storm water MS4 permit, is implementing minimum control measure _____. Therefore, you are not required to include such minimum control measure in your storm water management program. Your permit may be reopened and modified to include the requirement to implement minimum control measure _____ if _____ fails to implement it.

Part V. Monitoring, Recordkeeping and Reporting

A. Monitoring

You must evaluate program compliance, the appropriateness of your identified best management practices, and progress towards achieving your identified measurable goals.

B. Recordkeeping

You must keep records required by this permit for at least 3 years. You must submit your records to the Director only when specifically asked to do so. You must make your records, including your storm water management program, available to the public at reasonable times during regular business hours. (You may assess a reasonable charge for copying. You may require a member of the public to provide advance notice, not to exceed two working days.)

C. Reporting

You must submit annual reports to the Director by_____. Your report must include:

1. The status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures;

2. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

3. A summary of the storm water activities you plan to undertake during the next reporting cycle; and

4. A change in any identified measurable goals that apply to the program elements.

Part VI. Standard Permit Conditions

A. Duty To Comply

1. You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

a. Criminal

i. Negligent Violations. The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

ii. Knowing Violations. The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

iii. Knowing Endangerment. The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.

iv. False Statement. The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment

for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309.c.4 of the Clean Water Act).

b. Civil Penalties

The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $27,500 per day for each violation.

c. Administrative Penalties

The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

i. Class I penalty. Not to exceed $11,000 per violation nor shall the maximum amount exceed $27,500.

ii. Class II penalty. Not to exceed $11,000 per day for each day during which the violation continues nor shall the maximum amount exceed $137,500.

B. Continuation of the Expired General Permit

This permit expires five years after the effective date. However, an expired general permit may continue in force and effect. To retain coverage under the continued permit, permittees should provide notice of their intent to remain covered under this permit at least 2 days prior to the expiration date. The notice must be signed in accordance with Part VI.G.1. of this permit and must contain the following information:

1. Name, address and telephone number of the operator.

2. The existing small municipal separate storm sewer system permit number. This information may be submitted on a post card or in a letter and shall be submitted to the EPA Storm Water Notice of Intent Center at: Storm Water Notice of Intent (4203), US EPA, 1200 Pennsylvania Ave, NW, Washington, D.C. 20460.

C. Need To Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information

You must furnish to the Director or an authorized representative of the Director any information which is requested to determine compliance with this permit or other information.

F. Other Information

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, you must promptly submit such facts or information.

G. Signatory Requirements

All Notices of Intent, reports, certifications or information submitted to the Director, or that this permit requires be maintained by you, shall be signed as follows:

1. All Notices of Intent shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. All reports required by the permit and other information requested by the Director or authorized representative of the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

c. Changes to authorization. If an authorization is no longer accurate because a different operator has responsibility for the overall operation of the

construction site, a new notice of intent satisfying the requirements of paragraph II.B must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing documents under paragraph VI.G shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

H. Penalties for Falsification of Reports

Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

I. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties to which you are or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

K. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

L. Requiring an Individual Permit or an Alternative General Permit

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. Where the Director requires you to apply for an individual NPDES permit, the Director will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to the appropriate Regional Office . The Director may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application as required by the Director under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by the Director for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Director at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.

3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

M. State/Tribal Environmental Laws

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by section 510 of the Act.

2. No condition of this permit releases you from any responsibility or requirements under other environmental statutes or regulations.

N. Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

O. Inspection and Entry

You must allow the Director or an authorized representative of EPA or the State/Tribe, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

P. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Part VII. Reopener Clause

A. If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, you may be required to obtain individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

B. Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

Part VIII. Definitions

TBD

Part IX. State/Tribal Specific Conditions

The provisions of this Part provide modifications or additions to the applicable conditions of Parts I through VIII of this permit to reflect specific additional conditions established by the permitting authority. The additional revisions and requirements listed below are set forth in connection with particular State, Indian Country lands and Federal facilities and only apply to the States, Indian Country lands and Federal facilities specifically referenced.